

Submitted January 12, 2011

Approved As of

Date January 12, 2011

**MINUTES OF THE ROCKVILLE PLANNING COMMISSION
MEETING NO. 23-10
Wednesday, December 15, 2010**

The City of Rockville Planning Commission convened in regular session in the Mayor and Council Chambers at 7:00 p.m., Wednesday, December 15, 2010.

PRESENT
David Hill, Chair
Jerry Callistein
Kate Ostell
Don Hadley
Tracy Pakulniewicz
John Tyner

Absent: Dion Trahan

Present: Bridget Donnell Newton, Council Liaison
Susan Swift, Director, CPDS
Marcy Waxman, Senior Assistant City Attorney
Jim Wasilak, Chief of Planning
David Levy, Chief of Long-Range Planning
Deane Mellander, Zoning Administrator
Bobby Ray, Principal Planner
Ann Wallas, Planner III
Mayra Bayonet, Planner III
Margaret Hall, Planner II
Elise Cary, Assistant City Forester
Tyler Tansing, Commission Secretary

EXECUTIVE SESSION

At the end of the December 1, 2010 meeting, the Planning Commission met in Executive Session. Motion moved by Commissioner Callistein, seconded by Commissioner Trahan, to enter executive session pursuant to Section 10-508(a)(1) of the State Government Article, Annotated Code of Maryland, to discuss the appointment of one or more specific individuals as appointees over whom

the Planning Commission has jurisdiction, to an Adequate Public Facilities Ordinance Advisory Committee. The motion passed by a vote of 7-0-0, with Commissioners Callistein, Hadley, Hill, Ostell, Pakulniewicz, Trahan and Tyner voting aye and none opposed.

Present at the Executive Session were Commissioners Jerry Callistein, Don Hadley, David Hill, Kate Ostell, Tracy Pakulniewicz, Dion Trahan and John Tyner. Also present were Director of Community Planning and Development Services Susan Swift, Senior Assistant City Attorney Marcy Beloff Waxman, and Chief of Planning Jim Wasilak. The topic of discussion was the appointment of one or more specific individuals as appointees to an Adequate Public Facilities Ordinance Advisory Committee, resulting in a preliminary list of individuals to be appointed. There being no further business, the Executive Session adjourned at 9:45 p.m..

REVIEW AND ACTION

Final Record Plat PLT2011-00506, Snider and Associates - For the recordation of an existing deeded lot as a record lot in the R-90 Zone, between 21 and 25 Wall Street.

Ms. Hall presented the staff report.

Ms. Hall spoke about history of the property and noted that the property has been half of an original lot since 1892 and was transferred by itself in 1899, and has been on the same deed with the adjacent half lot since 1920. Ms. Hall stated that the property has been deeded in its current configuration since October 1957. Ms. Hall further discussed the qualifications that must be met before the existing lot can be considered as a buildable lot.

Giselle Lai presented the applicant's request. She stated that they just want the lot to be recorded as a record lot.

The following citizens spoke in opposition:

1. Jim Vitol, 11 Wall Street, stated that he feels that the subject property is not a qualifying lot, for the Record Plat shows that the lot is just under 51 feet wide. Mr. Vitol presented another survey by another surveyor that shows different lot lines on the property.
2. Steve Lukenbill, 25 Wall Street, spoke about a fence between his property and the applicant's property and discussed the situation with the lot lines.

Mr. Vitol stated that he felt that it would be premature for the Commission to approve the Record Plat without obtaining a further delineation of where the property line is supposed to be, because there seems to be significant discrepancy as to whether this lot is a qualifying lot.

Mr. Luginbill submitted the 1987 survey for the property into the record.

In response to Commissioner Tyner, Ms. Hall clarified questions regarding lot surveys. Mr. Wasilak explained the qualifications that must be met before a lot can be recorded.

In response to Commissioner Hill, Ms. Waxman stated that per the Zoning Ordinance, the Commission's action for this proceeding tonight is to approve the Record Plat.

Mr. Wasilak clarified that, once this Plat is approved, the application would not be required to come back before the Commission, but they would have to go before the HDC, if any construction were to take place.

Mr. Vitol stated that, should the Commission approve this plat, it may be taking up 2 feet of Mr. Lukenbill's property. He noted that it should be determined where the correct property line is.

Ms. Lai talked about the original deed and said that there is a timeline. She said she wants to put closure to it.

Commissioner Pakulniewicz moved, seconded by Commissioner Callistein to approve Final Record Plat PLT2011-00506 per staff's recommendations. Commissioners Tyner and Hadley voted nay; Commissioners Ostell and Hill abstained, and Commissioners Pakulniewicz and Callistein voted aye with Commissioner Trahan absent. By a vote of 2-2-2, the motion did not pass.

Ms. Lai was asked if she would defer action. Ms. Lai replied that she would not agree to deferring action on the record plat.

Commissioner Tyner moved to deny approval of the Record Plat because the Zoning Ordinance is written in such a way that it becomes moot. Ms. Waxman stated that the Commission is in violation if it denies the application.

Commissioner Tyner withdrew his motion.

Commissioner Pakulniewicz moved approval of Final Record Plat PLT2011-00506 per staff's recommendations. The motion was seconded by Commissioner Callistein. The motion did not pass on a vote of 2-0-4, with Commissioner Pakulniewicz and Callistein voting aye, and Commissioners Tyner, Hadley, Hill and Ostell abstaining and Commissioner Trahan absent.

APPOINTMENT

Adequate Public Facilities Ordinance - for appointment of the Advisory Group.

There was no staff presentation.

Commissioner Hill explained the process.

Commissioner Hill moved, seconded by Commissioner Hadley, to amend Resolution 3-10 to add the timeframe of committee from January 2, 2011 to the first Planning Commission meeting in July 2011. The motion passed on a vote of 6-0, Commissioner Trahan was absent.

The following were appointed to the APFO Committee:

Jason Anthony
Temperance Blalock
Dennis Cain
Julie Carr
Sean Hart
Soo Lee-Cho
Charles Littlefield
Eric Siegel
Roald Schrack

Commissioner Callistein moved, seconded by Commissioner Ostell to approve nine appointments to the APFO Advisory Group. The motion passed on a vote of 6-0, Commissioner Trahan was absent.

UPDATES

Comprehensive Master Plan - for an update on the revision process for the Master Plan.

Ms. Wallas presented an update of the Comprehensive Master Plan process.

Mr. Levy announced that the Mayor and Council approved and adopted the Water Resources Element and the Municipal Growth Element, on Monday, December 13, 2010.

Ms. Wallas continued her presentation.

Ms. Wallas stated that staff will be back on February 9, 2011 for additional information on the Master Plan.

Rockville's Pike Plan - for an update on the Rockville's Pike Plan process.

Mr. Levy presented an update on the Rockville Pike Plan.

Mr. Levy noted that staff will be ready to release the draft document this month, just before Christmas.

Mr. Levy talked about the schedule. He said the presentations are scheduled for January 10 to the Mayor and Council and Planning Commission, and January 11 to the community, and a Public Hearing is scheduled for March 9.

Mr. Levy stated that worksessions will begin in April 2011.

COMMISSION ITEMS

Chief of Planning Report

Mr. Wasilak stated that the next Commission meeting is January 12, 2011. He discussed the upcoming agenda.

Mr. Wasilak also presented an update on the Pumphrey's text amendment approval by the Mayor and Council, and noted that the item for Pumphreys will be on the Historic District Commission agenda tomorrow night for siding on the existing building, unrelated to the text amendment.

Old Business

Commissioner Hill commented on the TDM and CTR summaries sent to the Commission by staff. The Commission authorized staff to submit their recommendations into the public record.

New Business

Adoption of 2011 Meeting calendar

Mr. Wasilak presented the Commission's Meeting Calendar.

The Commission discussed the dates.

Commissioner Tyner moved, seconded by Commissioner Pakulniewicz, to approve the 2011 Meeting Calendar for 2011. The motion passed on a vote of 6-0 with Commissioner Trahan absent.

Election of Chair for 2011

Commissioner Callistein moved, seconded by Commissioner Pakulniewicz, to elect Commissioner Tyner as Chair for 2011. The motion passed on a vote of 5-0-1 with Commissioner Tyner abstaining with Commissioner Trahan absent.

Minutes

Commissioner Pakulniewicz moved, seconded by Commissioner Ostell, to approve the minutes of Meeting No. 20-10 as written. The motion passed on a vote of 4-0-2 with Commissioners Hill and Hadley abstaining. Commissioner Trahan was absent.

Commissioner Pakulniewicz moved, seconded by Commissioner Ostell, to approve the minutes of Meeting No. 21-10. The motion passed on a vote of 5-0-1 with Commissioner Hadley abstaining. Commissioner Trahan was absent.

FYI Correspondence

Commissioner Hill mentioned that the State Bill, MC11, to change the relationship between Montgomery County Public School System and the incorporated cities within Montgomery County went to hearing before the House delegation for Montgomery County. He said that the Mayor and he testified in opposition. The school board and technical representatives testified in favor of the State Bill. Commissioner Hill further explained.

ADJOURN

There being no further business to come before the Planning Commission, the Chair adjourned the meeting at 9:39.m.

Respectfully Submitted,

Tyler Tansing, Commission Secretary